IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12488 of 2004

Between:

Chintala Rama Rao, S/o Ammaiah,
R/o Gangaram village (Madhuvanam),

Aswaraopet Mandal, Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam District, Khammam
2 The Revenue Divisional Officer, Paloncha, Khammam District.
3 The Mandal Revenue Officer, Aswaraopet Mandal, Khammam District.
4 Medida Yesu, s/o Lakshmaiah,
R/o Aswaraopet Village & Mandal, Khammam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly one in the nature of Mandamus declaring the action of the respondents 1 to 3 in seeking to evict the petitioner from Acres 3.22 Guntas of Agricultural land in Survey Number 920/3 of Aswaraopet village and Mandal in Khammam District at the behest of the 4th respondent without recourse to law as illegal, arbitrary and unconstitutional and consequently direct the respondents not to interfere in civil disputes.

Counsel for the Petitioner:MR.SRINIVASA RAO BODDULURI

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The petitioner, admittedly, has taken on lease the right to enjoy the usufruct of mango, coconut and guava trees in Ac.3-22 guntas of agricultural land situated in Survey No.920/3 of Aswaraopet Village, which belongs to the fourth respondent.

The case of the petitioner is that when the fourth respondent along with his son and wife tried to dispossess him from the said land, he filed O.S.16 of 2003 before the Senior Civil Judge's Court, Sathupalli and obtained temporary injunction in I.A.No.138 of 2003 against the fourth respondent and his men. When the fourth respondent approached the third respondent-Mandal Revenue Officer, Aswaraopet, for recovery of possession, third respondent passed an order dated 29-03-2003 against the petitioner. Aggrieved by the same, he filed CMA.No.1 of 2003 before the second respondent-Revenue Divisional Officer, Paloncha, and obtained stay of the orders of the third respondent on 7-4-2003. Admittedly, he filed the present writ petition contending that in spite of the matter pending before the second respondent, respondents 1 to 3 are seeking to evict him from the land in question.

The order passed by the third respondent was not filed along with the writ petition. Therefore, this Court is not in a position to know as to under what circumstances, the third respondent has passed the order against the petitioner for his eviction. Under these circumstances, I am of the view that except directing the second respondent to dispose of the appeal, no other directions need be issued.

The writ petition is disposed of directing the second respondent to dispose of the appeal filed by the petitioner, as expeditiously as possible, within a period of six weeks from the date of receipt of a copy of this order. No costs.

20th JULY, 2004.

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To

1 The District Collector, Khammam District, Khammam
2 The Revenue Divisional Officer, Paloncha, Khammam District.
3 The Mandal Revenue Officer, Aswaraopet Mandal, Khammam District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

5 Two CD copies.